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December 9, 2004

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FCC - MAILROOM

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554


RE: **Notice of Ex Parte Communication**

WC Docket Nos. 04-313  
CC Docket No. 01-338

Dear Ms. Dortch:

On December 8, 2004, Chris Davis, Chairman and Chief Executive Officer, Steve Gray, President, and Bill Courter, Associate General Counsel, discussed by telephone with Senior Legal Advisor Christopher Libertelli regarding the 8<sup>th</sup> Report and Order related to CLEC access charges plus issues related to the permanent unbundling rules. Specifically regarding the TRO remand issues, McLeodUSA urged the Commission to reject any definition of the term "mass market" based on telephone number or access lines per business locations, because, as confirmed by D&B research, a significant number of small and medium business customers would be denied any competitive alternative for service providers. We also urged the Commission not to apply EEL eligibility criteria to stand alone DSL loops. We emphasized the need for clarity and certainty and discussed ways to define the terms "wholesaler," "self-provisioner" and "fiber-based collocator."

Very truly yours,



William H. Courter  
Associate General Counsel